IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22418 of 2004

Between:

Bollam Sampath, S/o.B.Kanakaiah,
R/o.Kondapalkala village, Manakondur Mandal, Karimnagar

District.

... PETITIONER

AND

1 The Collector, & District Magistrate, Karimnagar.
2 The Government of Andhra Pradesh, rep.by its Secretary to

Government, Tribal Welfare, A.P. Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the first respondent in issuing the impugned proceedings bearing No. C4/5205/1999, dated
11-11-2004 as arbitrary and illegal and set aside the same.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed to declare the action of the first respondent in issuing the impugned proceedings dated 11-11-2004 cancelling his Community Certificate, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue, and with their consent, the writ petition itself is being disposed of finally at the stage of admission.

3. As against the impugned order passed by the first respondent dated 11-11-2004, it is submitted by the learned Government Pleader for Revenue that there is an alternative remedy of revision to the petitioner before the second respondent – Government, under Section 7 (2) of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (for short 'the Act'), and without availing the said remedy, he has approached this Court.

4. Inasmuch alternative remedy by way of revision is available to the petitioner against the impugned order; I deem it appropriate to dispose of the writ petition with the following directions:

5. The petitioner may avail the remedy of revision available to him against the impugned order passed by the first respondent – District Collector before the second respondent - Government under Section 7(2) of the Act, along with an application for stay. On filing of such revision together with application for stay, the second respondent - Government, is directed to consider and pass appropriate orders

thereon either on the revision or on the application for stay, within a period of four weeks from today. Till appropriate orders are passed on the revision or the application for stay, there shall be interim suspension of the impugned order.

The writ petition is accordingly disposed of at the admission Stage.

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N. V. RAMANA, J

December 6, 2004

MRR/KSR

To:

1 The Collector, & District Magistrate, Karimnagar.
2 The Secretary to Government, Tribal Welfare, Government of Andhra

Pradesh, A.P. Secretariat, Hyderabad.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

4 Two C.D. Copies.